IN THE HIGH COURT OF JUDICATURE OF BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

CHAMBER SUMMONS NO.1583 OF 2006
IN
SUIT NO.4617 OF 1993

The Federal Bank Ltd. ..Plaintiff.

V/s.

Venkatesh Narayanrao Gadewar & Anr. ..Defendants.

And

Mogaveera Co-op. Bank Ltd. & Ors. ..Respondents.

Mr.Anil Menon for plaintiff.

Mr.K.B.Adyanthaya for respondent No.1.

CORAM: A.M.KHANWILKAR,J

DATE : APRIL 19, 2007.

P.C. :

1. Heard counsel for the parties. Perused the relevant pleadings and documents on record. Having regard to the fact situation of the present case as the respondents are claiming through the defendants, it would necessarily follow that the respondents would be proper party, if not a necessary party. Besides, the presence of respondents in the present suit filed by the plaintiff will be appropriate to avoid multiplicity of proceeding.

2. Taking overall view of the matter in the

interest of justice, I think it appropriate to allow the Chamber Summons in terms of prayer clause (a). That however, will not preclude the parties to pursue such other remedy as may be available to them. The respondents are impleaded in the present suit without prejudice to the rights and contentions of the respective parties in this proceeding or any other proceeding which may be permissible by law.

3. Accordingly, Chamber Summons is made absolute in terms of prayer clause (a) on the above terms with no order as to cost.

4. Amendment to be carried out within four weeks from today.

5. Leave to amend to give correct description of the proceeding in the prayer clause as "Suit" instead of "Chamber Summons". Amendment to be carried out forthwith.